

ESTTA Tracking number: **ESTTA341881**

Filing date: **04/12/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Homecrest Outdoor Living, LLC		
Entity	Limited Liability Company	Citizenship	Minnesota
Address	1250 Homecrest Avenue Wadena, MN 56482 UNITED STATES		

Attorney information	Z. Peter Sawicki Westman, Champlin & Kelly, P.A. 900 Second Avenue South Suite 1400 Minneapolis, MN 55402 UNITED STATES cnelson@wck.com, psawicki@wck.com Phone:6123343222		
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Registration Subject to Cancellation

Registration No	2943720	Registration date	04/26/2005
Registrant	OMEGA IP CO. 1205 PETERS DRIVE WATERLOO, IA 50703 UNITED STATES		

Goods/Services Subject to Cancellation

Class 020. First Use: 1969/09/01 First Use In Commerce: 1969/09/01 All goods and services in the class are cancelled, namely: non-metal cabinets

Grounds for Cancellation

Other	Opposer is being refused registration in view of Reg 2943720
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Attachments	78422107#TMSN.jpeg (1 page)(bytes) Petition for Cancellation.pdf (3 pages)(100560 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Z. Peter Sawicki/
Name	Z. Peter Sawicki

Date	04/12/2010
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 2,943,720 for HOMECREST CABINETRY,
Registered April 26, 2005

Homecrest Outdoor Living, LLC, Petitioner v. Omega IP Co. Registrant.	Cancellation No. _____
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PETITION FOR CANCELLATION

MAIL STOP – TTAB Fee
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Homecrest Outdoor Living, LLC, a Minnesota Limited Liability Company, having a place of business at 1250 Homecrest Avenue, Wadena, Minnesota 56482, is being damaged by the above-identified Registration No. 2,943,720 for HOMECREST CABINETRY, and petitions to cancel the same.

As grounds for cancellation, Petitioner alleges:

1. Petitioner has filed Application Serial No. 78/422,107 in the U.S. Patent and Trademark Office to register the mark HOMECREST having an identification of goods of “casual and outdoor furniture” in Class 20.
2. Registrant is the owner of U.S. Registration No. 2,943,720 for the mark HOMECREST CABINETRY in Class 20.
3. Registration No. 2,943,720 has a recitation of goods of “Non-metal cabinets” in Class 20.

4. Registration No. 2,943,720 has been cited in Petitioner's application Serial No. 78/422,107 refusing registration of Petitioner's mark under § 2(d) of the Trademark Act which has resulted in damage and injury to Petitioner.

5. Petitioner has priority of use of the mark HOMECREST when compared to Registrant's date of first use in Registration No. 2,943,720.

WHEREFORE, Petitioner through its attorney, requests cancellation of Registration No. 2,943,720.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account no. 23-1123

All correspondence should be addressed to **Z. Peter Sawicki, Esq.**

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

Date: April 12, 2010

By: 

Z. Peter Sawicki

Peter J. Ims

900 Second Avenue South

Suite 1400

Minneapolis, MN 55402-3319

Telephone: 612-334-3222

Fax: 612-334-3312

ZPS:cnn

CERTIFICATE OF SERVICE

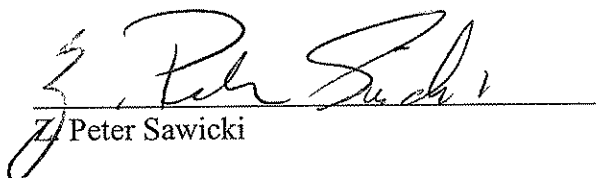
I hereby certify that I am over 18 years of age, am an employee of Westman, Champlin & Kelly, P.A., and am not a party to this action, and that on **April 12, 2010**, copies of the foregoing documents:

I. PETITION FOR CANCELLATION

were sent via First Class Mail to:

Raymond Rundelli, Esq.
CALFEE, HALTER & GRISWOLD LLP
Suite 1400
800 Superior Avenue
Cleveland, OH 44114-2688

I certify under penalty of perjury that the foregoing is true and correct. Executed on **April 12, 2010**.


Peter Sawicki